

**PUBLIC MEETING
November 23, 2010
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioner Derek Brown and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Kelly Blake, Lindsay Morgan, Greg McNally, Paul Putz, Melanie Reynolds, Mark Simonich, Cheryl Green, Tyler Emmert, Ron Bartsch, Delvon Gebhardt, John Cassidy, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2010-330 Ordering a Refund of Taxes/Fees/Assessments Paid by Richard O. and Ruby K. Dempsey in the Amount of \$41.49. (Cheryl Green)
- b. Resolution 2010-331 Ordering a Refund of Taxes/Fees/Assessments Paid by Richard F. and Vi S. Gauvin in the Amount of \$399.56. (Cheryl Green)
- c. Resolution 2010-332 Ordering a Refund of Taxes/Fees/Assessments Paid by Harold T. and Patricia A. Nygren in the Amount of \$204.42. (Cheryl Green)
- d. Resolution 2010-333 Ordering a Refund of Taxes/Fees/Assessments Paid by Harold T. and Patricia A. Nygren in the Amount of \$8.69. (Cheryl Green)
- e. Resolution 2010-334 Ordering a Refund of Taxes/Fees/Assessments Paid by Theresa M. Gruby in the Amount of \$11.09. (Cheryl Green)
- f. Resolution 2010-337 Ordering a Refund of Taxes/Fees/Assessments Paid by WHC820 LLC in the Amount of \$17,815.20, Plus \$39.47 in Interest, for a Total Refund of \$17,854.67. (Cheryl Green)
- g. Resolution 2010-338 Declaring County Property Surplus Property. (Amy Reeves)
- h. Appointment of Senator Dave Lewis to Upper Clark Fork River Basin Steering Committee. (Eric Bryson)
- i. Professional Services Contract Between Lewis & Clark County and Kristi Hager for Photographic Preservation Services in the Amount of \$2,000.00. (Kelly Blake)
- j. Task Order 11-07-5-21-035-0 to Lewis & Clark Co. Unified Government Master Contract Between MT DPHHS & Lewis & Clark City-County Health Dept. to Expand WIC Breastfeeding Support Services Through Development of a Peer Counseling Program in the Amount of \$19,309 for the Period 10/1/10-9/30/11 (Dorothy Bradshaw)

Eric Bryson recommended approval of the consent action items.

No public comments were received.

Commissioner Brown moved to approve the consent action items and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Proposed Modification of Conditions of Approval for the Preliminary Approved Lakeside Village on Hauser, Lot 2A Amended Major Subdivision with Request for Variance. Decision. (Applicant: Merrit & Marie, LLC (Conrad Hale)) Planner: Greg McNally) (Cont'd. from 11-9-10).

Commissioner Brown stated that he was absent at the previous meeting, but has read the transcript and other testimony submitted.

Tyler Emmert, 3530 Centennial Drive, Stahly Engineering. The drawing was submitted for clarification of the existing site and how it could be modified to make the spaces as usable as possible.

Commissioner Brown moved to accept the preliminary amended plat as submitted, with the deletion of the note that says, "No RV units allowed within 30-foot buffer of the high water mark." It defines the location of the 6 RV spaces on the site plan. Commissioner Hunthausen seconded the motion for discussion. After discussion on setback requirements, the motion carried 2-1. Commissioner Hunthausen voted no, the variance request does not meet the criteria for a variance.

BREAK - 10 minutes.

Extension Request - Lot A-1A Amended of the H.W. Smith Minor Subdivision (a.k.a. Heron Creek Major Subdivision). Decision. (Applicant: Ron Bartsch) (Planner: Greg McNally) (Cont'd. from 11-9-10).

Commissioner Brown stated that he was not present at the meeting on November 9, but he read the entire transcript and looked at the photographs that were submitted.

Commissioner Hunthausen moved to grant an extension of preliminary approval for one year, until September 18, 2011. Commissioner Brown seconded the motion. The motion carried 3-0.

Request for Modification of Conditions of Approval for the Preliminary Approved Lot A-1A Amended of the H. W. Smith Minor Subdivision (a.k.a. Heron Creek). Decision. (Applicant: Ron Bartsch) (Planner: Greg McNally). (Cont'd. from 11-9-10).

Greg McNally stated today the Commissioners must decide whether they will allow the applicant to proceed with the process of a request for modification of conditions of approval.

Commissioner Brown entered into the record that he has read all of the written testimony and reviewed the documentation submitted from the previous meeting. Written testimony submitted by Martin Balukas talked about changed conditions and statutory effect. Statute says the governing body cannot apply additional conditions after preliminary plat approval. Deputy County Attorney Paul Stahl stated the modification process is the procedure to modify the conditions of approval with both sides.

Commissioner Brown moved to approve consideration of Modification of Conditions of Approval. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Mr. Bartsch was asked to work with staff to ensure that all the materials necessary to review his request for a modification of conditions of approval become available and to allow adequate time for review by staff.

Resolution 2010-339 Amending Zoning Regulations for Special Zoning District No. 18 (Southeast Vandenberg Village Planning and Zoning District). (Lindsay Morgan)

The Commission will consider the proposed amendments to the Nonconforming Lots section of the land use regulations for Special Zoning District No. 18 and the draft resolution. This district is located north of and adjacent to Sierra Road and is approximately ¼ of a mile east of North Montana Avenue.

Lindsay Morgan reported that the Planning and Zoning Commission recommended approval of the proposed amendments on November 17. The regulations for the district were reviewed. The proposed amendment would allow for six additional undeveloped lots to be used and for each of these properties to be sold individually. The proposed amendment to the regulations for the district was in compliance with the intent for the district, the Lewis & Clark County Growth Policy and the Montana Code Annotated.

Commissioner Hunthausen moved to bring the record forward from the Planning & Zoning Commission hearing and incorporate it into this public record. Commissioner Brown seconded the motion. The motion carried 3-0.

No public comments were received.

Commissioner Hunthausen moved to adopt Resolution 2010-339 and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Resolution 2010-340 Amending Zoning Regulations for Special Zoning District No. 21 (Canyon Ferry Planning and Zoning District). (Lindsay Morgan) The Commission will consider the proposed amendments to the Non-Conforming Lots section of the land use regulations for Special Zoning District No. 21 and the draft resolution. This district is located north of Canyon Ferry Lake and is north of and adjacent to Jimtown Road.

Lindsay Morgan reported that the Planning and Zoning Commission recommended approval of the proposed amendments on November 17. The regulations for the district were reviewed. The proposed amendment would allow for four additional undeveloped lots to be used and for each of these properties to be sold individually from the adjacent property under the same ownership. The proposed amendment to the regulations for the district was in compliance with the intent for the district, the Lewis & Clark County Growth Policy and the Montana Code Annotated.

Commissioner Hunthausen moved to bring the record forward from the Planning & Zoning Commission hearing and incorporate it into this public record. Commissioner Brown seconded the motion. The motion carried 3-0.

No public comments were received.

Commissioner Hunthausen moved to adopt Resolution 2010-340 and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Resolution 2010-341 Amending Zoning Regulations for Special Zoning District No. 28 (Vandenberg Village Planning and Zoning District). (Lindsay Morgan) The Commission will consider the proposed amendments to the Non-Conforming Lots section of the land use regulations for Special Zoning District No. 28 and the draft resolution. This district is located ¼ of a mile north of Sierra Road, east of and adjacent to North Montana Avenue.

Lindsay Morgan reported that the Planning and Zoning Commission recommended approval of the proposed amendments on November 17. The regulations for the district were reviewed. No additional lots within the district would be developed as a result of the proposed amendment. The proposed amendment to the regulations was in compliance with the intent of the district, the Lewis & Clark County Growth Policy and the Montana Code Annotated.

Commissioner Hunthausen moved to bring the record forward from the Planning & Zoning Commission hearing and incorporate it into this public record. Commissioner Brown seconded the motion. The motion carried 3-0.

No public comments were received.

Commissioner Hunthausen moved to adopt Resolution 2010-341 and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

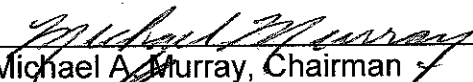
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.


There was no other business, the meeting adjourned at 10:41 a.m.

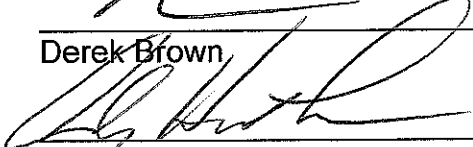
ATTEST:


Paulette DeHart, Clerk of the Board

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen